

MINUTES
REGULAR CITY COUNCIL MEETING
CITY COUNCIL OF THE CITY OF YUMA, ARIZONA
CITY COUNCIL CHAMBERS, YUMA CITY HALL
ONE CITY PLAZA, YUMA, ARIZONA
MAY 15, 2024
5:30 p.m.

CALL TO ORDER

Mayor Nicholls called the City Council meeting to order at 5:32 p.m.

INVOCATION/PLEDGE

Tom McConkey, Liberty Baptist Church, gave the invocation. **Madeleine Coil**, Grants Administrator, led the City Council in the Pledge of Allegiance.

ROLL CALL

Councilmembers Present: Morales, Smith, Morris, Shoop, McClendon (took a seat on the dais after being sworn in), and Mayor Nicholls
Councilmembers Absent: Shelton
Staffmembers Present: Acting City Administrator, John D. Simonton
Other staff in order of presentation
Various Department Heads or their representative
City Attorney, Richard W. Files
City Clerk, Lynda L. Bushong

FINAL CALL

Mayor Nicholls made a final call for the submission of Speaker Request Forms for agenda related items from members of the audience.

Presentation

Swearing in of newly appointed City Councilmember, **Leslie McClendon**, by Honorable **Judge James Coil**. After being sworn in, Councilmember **McClendon** took her seat at the dais.

I. MOTION CONSENT AGENDA

Motion Consent Agenda Item C.3 – Bid Award: Pavement Replacement – Avenue B between 24th Street and 16th Street (Authorize the City Administrator to execute a construction services contract for pavement replacement on Avenue B between 24th Street to 16th Street, in the amount of \$3,589,151.54 to the lowest responsive and responsible bidder, Gutierrez Canales Engineering, Yuma, Arizona) (RFB-24-270) (Eng/Purch)

Mayor Nicholls declared a conflict of interest on Motion Consent Agenda Item C.3 as his firm is engaged in this project, turned the meeting over to **Deputy Mayor Morris**, and left the dais.

Motion (Smith/Morales) To approve Motion Consent Agenda Item C.3 as recommended. Voice vote: **approved 5-0-1, Mayor Nicholls** abstaining due to conflict of interest.

Mayor Nicholls returned to the dais.

Motion (Morris/Smith): To approve the Motion Consent Agenda as recommended, with the exception of Item C.3 which was adopted through a previous vote. Voice vote: **approved** 6-0.

A. Approval of minutes of the following City Council meeting(s):

Regular Council Meeting Minutes April 3, 2024

B. Executive Session

Executive Sessions may be held at the next regularly scheduled Special Worksession, Regular Worksession and City Council Meeting for personnel, legal, litigation and real estate matters pursuant to A.R.S. § 38-431.03 Section A (1), (3), (4), and (7). (City Atty)

C. Approval of Staff Recommendations

1. Approve a Series #12: Restaurant Liquor License application submitted by Judith Lopez, agent for A & R Grill located at 712 S. 4th Avenue. (LL24-05) (Admn/Clk)
2. Approve a Series #04: Wholesaler/Distributor Liquor License application submitted by Patricia Rodriguez, agent for Proper Dose located at 1775 E. Palo Verde Street #176. (LL24-03) (Admn/Clk)
3. Pulled for separate consideration; see above.
4. Award to the sole bidder, BLT Companies, LLLP, Yuma, Arizona, the as-needed purchase and delivery of Ready-Mix Concrete, Color and Stamp Mix, a one-year contract with the option to renew for four additional one-year periods, at an estimated first-year cost of \$63,700.00, which will exceed \$100,000.00 over the five-year life of the contract, depending on the appropriation of funds and satisfactory performance. (RFQ-24-167) (Pub Wks/Purch)
5. Authorize the purchase, delivery and installation of various playground equipment and shade with Exerplay, Cedar Crest, New Mexico, utilizing the Mohave Educational Services Cooperative Purchase Agreement for an expenditure of \$238,811.94. (CPA-24-301) (Pks & Rec/Purch)
6. Authorize the City Administrator to enter into a four-year agreement with an option to renew for up to six additional years, in two-year increments, for Third-Party Emergency Medical Billing Services with EMS Management and Consultants, Inc. (EMS|MC) of Winston-Salem, North Carolina, utilizing a Cooperative Purchase Agreement through the City of Tempe, Arizona, for an estimated annual expenditure of \$230,000.00. (CPA-24-286) (YFD/Purch)
7. Ratify a Purchase Order issued to SAK Construction, LLC of Tempe, AZ in an amount of \$124,500.00 for emergency bypass of a sanitary sewer line at Smucker Park. (EM-24-249) (Eng/Utl/Purch)

II. RESOLUTION CONSENT AGENDA

Motion (Smith/Morales): To adopt the Resolution Consent Agenda as recommended.

Bushong displayed the following title(s):

Resolution R2024-013

A resolution of the City Council of the City of Yuma, Arizona, authorizing and approving an Intergovernmental Agreement with Arizona Game and Fish Commission for a Community Fishing Program (extending the current Community Fishing Program with the City of Yuma for the total not to exceed \$59,988 over the five-year agreement) (Pks & Rec/Rec)

Resolution R2024-014

A resolution of the City Council of the City of Yuma, Arizona, authorizing and approving an Intergovernmental Agreement with Arizona Department of Transportation for the design of the 1st Street Shared Used Pathway Project (new 8-foot-wide concrete pathway at both sides of 1st Street between 4th Avenue and Avenue B) (Eng/Dev Eng)

Resolution R2024-015

A resolution of the City Council of the City of Yuma, Arizona, ordering improvements for Municipal Improvement District No. 127, serving Riverview Terrace Subdivision, to operate, maintain and repair landscaping improvements included within, near and adjacent to the retention and detention basins and parkings and parkways and related facilities together with appurtenant structures of Riverview Terrace Subdivision, as more particularly described in this resolution, and declaring the landscape improvements to be of more than local or ordinary public benefit, and the cost of the landscape improvements shall be assessed upon Municipal Improvement District No. 127; improvements shall be performed under Arizona Revised Statutes Title 48, Chapter 4, Article 2 (finalizing the formation and order improvements for MID No. 127 serving Riverview Terrace Subdivision) (Plng & Nbhd Svcs/Cmty Plng)

Roll call vote: **adopted** 6-0.

III. ADOPTION OF ORDINANCES CONSENT AGENDA

Ordinance O2024-016 – Rezoning of Property: 958 S. 3rd Avenue (approve the rezoning of an approximately 7,000 square foot lot from the General Commercial/Infill Overlay (B-2/IO) District to the Transitional/Infill Overlay (TR/IO) District, for the property located at 958 S. 3rd Avenue, Yuma, AZ) (Plng & Nbhd Svcs/Cmty Plng)

Deputy Mayor Morris declared a conflict of interest and left the dais.

Motion (Morales/Smith): To adopt Ordinance O2024-016 as recommended.

Bushong displayed the following title(s):

Ordinance O2024-16

An ordinance of the City Council of the City of Yuma, Arizona, amending Chapter 154 of the Yuma City Code, rezoning certain property located in the General Commercial/Infill Overlay (B-2/IO) District to the Transitional/Infill Overlay (TR/IO) District, and amending the zoning map to conform with the rezoning (rezoning of approximately 7,000 square foot lot located at 958 S. 3rd Avenue) (Plng & Nbhd Svcs/Cmty Plng)

Roll call vote: **adopted** 5-0-1, **Deputy Mayor Morris** abstaining due to conflict of interest.

Deputy Mayor Morris returned to the dais.

Ordinance O2024-017 – Rezoning of Property: Southeast Corner of Avenue 6E and 48th Street (rezone approximately 77 acres from the Agriculture (AG) District to the Low Density Residential (R-1-6, R-1-8, and R-1-12) Districts for the properties located at the southeast corner of Avenue 6E and 48th Street) (Plng & Nbhd Svcs/Cmty Plng)

Speaker

Colonel Jarred Stone, Commanding Officer, Marine Corps Air Station (MCAS) - Yuma, spoke in opposition of the rezoning of property near the Barry Goldwater Range used for aviation testing by MCAS – Yuma and other military bases around the United States. **Stone** describes Marine Operational Test and Evaluation Squadron One (VMX-1) operations, which involves the operation of the MQ-9 Reaper unmanned aerial vehicle, and its potential benefit for the community in terms of economic development. **Stone** continued explaining the flight path for the MQ-9s, and his concern for changing the precedent that has existed for close to 30 years, in terms of not infringing on the buffer zone around the range.

Tom Pancrazi, Pancrazi Real Estate, addressed the potential noise in the rezoning area and explained that the area has been staged from R-1-6 (6,000 sq ft. minimum parcels), R-1-8 (8,000 sq ft. minimum parcels) and R-1-12 (12,000 sq ft. minimum parcels) with the larger parcels closer to the range, to accommodate MCAS – Yuma. **Pancrazi** reminded City Council that the rezoning of the property was approved in 2006 in the General Plan Amendment and does not understand why the City would not move forward with rezoning.

Discussion

- The R-1-6 zoned homes will be north of the Goldwater Range buffer zone, close to the Ocotillo Subdivision. The R-1-12 homes will be at the bottom line, closest to the mile buffer zone of the range. (**McClendon/Pancrazi**)
- Although the protection of the military base and the range is important, a General Plan Amendment was made by City Council in 2006 with the intent of housing going in at this location. The dire need of housing is still a pressing issue for the City, and all the work has been put in place and approved; it is hard to shut down the project at this point. In a compromise to work with MCAS and make it an easier process, the density is reduced as homes get closer to the range; this will result in a loss of potentially 40 lots for the contractor. (**Morris**)
- The City's uniqueness and variety is because of the military people that come in from across the country. The threat of military assets to the City is concerning; \$2 billion worth of economic activity is not something to be ignored. The rezoning of property is not a precedent to be pushed along the range. The change was made in 1996 to this area through the General Plan Amendment and was also

approved by the voters. There was an opportunity to pull the project from the General Plan Amendment for decades and it did not happen. As a result, the owners have moved forward in good faith according to that plan, and the City needs to be supportive. In the future, putting the range up to risk along its borders will not be supported. **(Mayor Nicholls)**

Motion (Morris/Smith): To adopt the Ordinances Consent Agenda as recommended, with the exception of Ordinance O2024-016 which was adopted through a previous vote.

Bushong displayed the following title(s):

Ordinance O2024-13

An ordinance of the City Council of the City of Yuma, Arizona, fixing compensation and benefits for the Office of Municipal Judge from and after January 1, 2025 (to establish compensation for the next term of the Municipal Judge's elected position) (Muni Court/Admin)

Ordinance O2024-015

An ordinance of the City Council of the City of Yuma, Arizona, authorizing the grant of an easement to the Yuma County Water Users Association for installation and maintenance of a new irrigation line for the Thacker Lateral (to allow installation of a new irrigation line within a 20-foot strip of right-of-way with a crossing along the south side of 28th Street) (Eng)

Ordinance O2024-17

An ordinance of the City Council of the City of Yuma, Arizona, amending Chapter 154 of the Yuma City Code, rezoning certain properties located in the Agricultural (AG) District to the Low Density Residential (R-1-6, R-1-8, and R-1-12) Districts and amending the zoning map to conform with the rezoning (rezone approximately 77 acres located at the southeast corner of Avenue 6E and 48th Street) (Png & Nbhd Svcs/Cmnty Png)

Roll call vote: **adopted** 6-0

IV. INTRODUCTION OF ORDINANCES

Bushong displayed the following title(s):

Ordinance O2024-019

An ordinance of the City Council of the City of Yuma, Arizona, declaring a certain 25 foot parcel of real property, hereafter described, surplus for use as right-of-way by the City, vacating the surplus 25 foot right-of-way easement to the abutting property owner upon the recording of a Quitclaim Deed, and authorizing an exchange of the surplus 25 foot right-of-way easement for the underlying fee title to the 75 foot right-of-way described in this ordinance, together with a 25 foot utility easement for water, sanitary sewer and other public purposes (authorize the vacation of 25 feet of 4th Avenue right-of-way in exchange for the underlying fee title to the remaining 75 feet of right-of-way with JAKARTA Holdings, LLC) (Eng)

V. BUDGET AND RELATED ITEMS

MC 2024-062 – Public Hearing: Fiscal Year 2025 – Fiscal Year 2029 Capital (Conduct a public hearing for the proposed Fiscal Year 2025 – Fiscal Year 2029 City of Yuma Capital Improvement Program pursuant to Yuma City Charter, Article XIII, Section 11) (Eng)

Mayor Nicholls declared a conflict of interest on the Capital Improvement Program, turned the meeting over to **Deputy Mayor Morris** and left the dais.

Deputy Mayor Morris opened the public hearing at 5:59pm

Being no presentations or speakers signed up, **Deputy Mayor Morris** entertained a motion to close the public hearing.

Motion (Morales/McClendon): To close the Public Hearing. Voice vote: **approved 5-0-1, Mayor Nicholls** abstaining due to conflict of interest. The Public Hearing closed at 6:00 p.m.

Mayor Nicholls returned to the dais.

Motion (Morales/Smith): To amend Schedule B of the Tentative Annual Budget to reflect the dollar amount of \$16,040,777 as the Maximum Allowable Primary Property Tax Levy for 2024, instead of \$15,725,831. Voice vote: **approved 6-0.**

MC 2024-061 – Tentative Annual Budget for Fiscal Year 2025 (Adopt the Fiscal Year 2025 Tentative Annual Budget in the amount of \$521,164,546 which includes a Capital Improvement Program budget of \$222,418,219; combined Maintenance Improvement Districts of \$672,094 and Operating Expenditure Budget of \$298,077,233; including Governmental and Enterprise operations) (Admn/Fin)

McClendon declared a conflict of interest as she is employed by Visit Yuma and left the dais.

Motion (Morris/Smith): To adopt the Fiscal Year 2025 tentative budget for Visit Yuma in the amount not to exceed \$903,000. Voice vote: **approved 5-0-1, McClendon** abstaining due to conflict of interest.

McClendon returned to the dais.

Mayor Nicholls declared a conflict of interest on the Capital Improvement Project, turned the meeting over to **Deputy Mayor Morris** and left the dais.

Motion (Smith/McClendon): To adopt and publish for the June 5th budget hearing, the Fiscal Year 2025 Tentative Budget for the Capital Improvement Program in the amount of \$222,418,219. Voice vote: **approved 5-0-1, Mayor Nicholls** abstaining due to conflict of interest.

Mayor Nicholls returned to the dais.

Motion (Smith/McClendon): To approve and publish for the June 5th budget hearing, the Fiscal Year 2025 Tentative Budget in the amount of \$297,846,327, which excludes Visit Yuma funding and the Capital Improvement Program, as approved through the prior motions. Voice vote: **approved** 6-0.

VI. APPOINTMENTS, ANNOUNCEMENTS AND SCHEDULING

Announcements

Smith, Morales, Morris, and Mayor Nicholls reported on the following meetings attended/upcoming events:

- Western Arizona Council of Governments (WACOG) Yuma County Advisory Meeting
- 13th Annual Yuma County Nurses Celebration
- Yuma County Child Care Crisis Leadership Forum
- Yuma Water Safety Alliance Meeting
- 1st Annual Christina's Closet Charity Gala
- Good Morning Yuma
- Elevate Southwest Subcommittee Meeting
- Colorado River Tea Party Meeting
- Councilmember Gary Knight's Celebration of Life
- Greater Yuma Economic Development Corporation (GYEDC) Interview Panel
- Joint Land Use Plan Open House
- Yuma Catholic High School Government Class Presentation
- General Motors Desert Proving Ground Test Center

Scheduling - No meetings were scheduled at this time.

VII. SUMMARY OF CURRENT EVENTS

Simonton reported the following events:

- June 1st, 2024 - Water Safety Day at the Valley Aquatic Center
- May 31 – August 31, 2024 - Gallery Exhibit Reception at the Yuma Arts Center

Simonton states the City is looking for ways to increase swim lessons for the community, and exploring the possibility of heating Carver Park pool and extending their business hours to offer swimming lessons year round.

Simonton reminds the community City Hall will be closed Monday, May 27th, 2024, in observance of Memorial Day; the closure will affect the trash pick-up service schedule.

Mayor Nicholls recessed the meeting at 6:15 p.m. and reconvened the meeting at 6:19 p.m.

VIII. CALL TO THE PUBLIC

The following people requested the City of Yuma adopt a Resolution calling for the release of hostages and ceasefire in Gaza, and spoke about concerns regarding censorship of the public by City Council:

- **Jillian Verdugo**, City resident
- **Sinai Lopez**, City resident
- **Karla Sanchez**, City resident
- **Alea Hassin**, City resident
- **Layla Hassin**, City resident

IX. EXECUTIVE SESSION/ADJOURNMENT

There being no further business, **Mayor Nicholls** adjourned the meeting at 6:35 p.m. No Executive Session was held.

Lynda L. Bushong, City Clerk

APPROVED:

Douglas J. Nicholls, Mayor

Approved at the City Council Meeting of:

City Clerk: _____